

## REMARKS

Pursuant to 37 CFR 1.114(d), the Office Action mailed on May 18, 2007 has been carefully considered, and the Examiner's comments are appreciated. Claims 1-10 are rejected as being anticipated. Applicants have amended claims 1, and 7- 10. Support for the amendments is located in Applicants' specification, inter alia, on pages 3-5. Amended claims 1-10 are submitted for examination and believed in condition for allowance.

This amendment is a submission in accordance with the Request for Continuing Examination. Also, a petition to extend the time of prosecution accompanies this communication.

### Discussion of Rejection of Claims 1-10 under 35 U.S.C 102(b)

The Examiner rejected claims 1-10 under 35 USC §102(b) as being anticipated by US Patent No. 3,615,829 issued to Sprague. The Examiner argues that "(T)he Sprague patent discloses the claimed method of oxidizing graphite in a molten bath by controlling the temperature within the range claimed (see col.4, lines 9-70). The reference further discloses that graphite fibers remain intact (see claims 1-15). The char would be removed by the electrochemical oxidation."

However, Applicants submit that nowhere in the cited reference is it disclosed or suggested to control the electrochemical oxidation so as to separate carbon chars, convert the carbon chars to carbon dioxide and electrical energy *in the presence of oxygen*, and leave graphite fibers intact.

Throughout the cited reference it is disclosed that the oxidation of the charcarbon is "...conducted in a nonoxygen-containing atmosphere such as chlorine gas treatment of the charcarbon in a closed chamber" (see the examiner's own cited col. 4, lines 44-48). Such teaching is further disclosed in the examples where a bubbling chlorine electrode is often disclosed. Furthermore, oxygen is specifically excluded in the molten electrochemical cell portion of the Sprague process because it would interfere with the oxidative and reductive

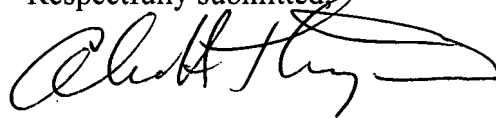
reactions that must occur in Sprague's LiCl/KCl eutectic system. Moreover, the principal thrust of the cited reference is for electrode use in high charge holding capacity.

In direct contrast, Applicant's invention presently requires *the presence of oxygen* during his molten salt electrochemical oxidation of the chars to carbon dioxide and the generation of electrical energy. The anticipation rejection should be withdrawn and the claims passed to allowance.

SUMMARY

In view of the examiner's citing of the Sprague reference, and in view of Applicant's amendment, Applicant therefore respectfully submits that claims 1-10 are in condition for allowance, and requests allowance of the claims. In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-7820.

Respectfully submitted,



Dated: May 24, 2007      By:

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